IN THE HIGH COURT OF JUDICATURE AT BILASPUR

CHHATTISGARH Division Bench

MISC. APPEAL NO. 775 OF 2004

APPELLANT/ CLAIMANT	:	Pramod Kumar Jaiswal, S/O Radhe Lal, Aged about 20 years, Caste Kalar, R/O Village Bakshahi, Tahsil Pali, District Korba (C.G.).

Versus

RESPONDENTS/ NON-CLAIMANTS	:	1. Nasir Khan, S/O Babu Khan, Aged about 30 years, Driver, R/O Bhanpuri, Raipur (C.G.). 2. Neeraj Dubey, S/O B.P. Dubey, Registered Truck Owner MP-23/DA/ 5196, R/O Panchvati Nagar Kapa, Presently R/O Jai Ambey Tyres Shop, Bilaspur Road, Khamtarai. 3. The Oriental Insurance Company Limited, Raipur Through its Divisional Manager, The Oriental Insurance Company Limited, Opp : High Court, Bilaspur (C.G.).

P. R. No. 1750/04
Presented by Shri Sunil Sahu
dated 2/4/04

MEMORANDUM OF MISC. APPEAL UNDER SECTION 173 OF MOTOR VEHICLES ACT, 1988

Claim before the Claims Tribunal	:	Rs.6,00,000=00
Claim awarded by the Tribunal	:	Rs.1,32,000=00
Claim for enhancement of the amount of compensation valued in appeal	:	Rs.4,00,000=00

23

HIGH COURT OF CHHATTISGARH : BILASPUR
(LOK ADALAT)

MISCELLANEOUS APPEAL NO. 775/2004

Appellant : Pramod Kumar Jaiswal.

Versus

Respondents: Nasir Khan and others.

(Arising out of Claim Case No. 95/2003)

2-12-2006

Shri K.K. Jaiswal, counsel for the appellant.

None for respondents No.1 & 2.

Shri J.M. Gairola, Divisional Manager, the Oriental Insurance Company Limited with Shri Sudhir Agrawal, counsel for respondent No.3.

In terms of compromise, award is passed as below:-

1) In addition to compensation already awarded by the Tribunal, respondent No.3 shall pay Rs.1,01,000/- (Rupees One Lakh One Thousand Only) to the appellant.
2) For disbursement and deposit in FDR, the direction and ratio adopted by the Tribunal, if any, shall follow.
3) The amount, if any, kept in deposit with Bank shall be payable under the orders of Tribunal in accordance with law.
4) Appellant shall be entitled to receive interest on the amount so deposited, if any.
5) In view of the above, appeal against respondents No.1 & 2 stands dismissed.
6) Out of the above amount, Rs.1,010/- (Rupees One thousand Ten Only) shall be paid to counsel for the appellants directly by the Insurance Company towards counsel fee.
7) If the amount awarded is not deposited within a period of one month, the Insurance Company shall be liable to pay interest at the rate of 9% per annum thereafter.
8) Copy of the award shall be given to the parties free of cost.

Sd/-
V.K. Shrivastava
Judge

Sd/-
Member – Lok Adalat
High Court of Chhattisgarh
Bilaspur

Raju